

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 34 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 35-33-1-1, AS AMENDED BY P.L.221-2003,
- 4 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2004]: Sec. 1. (a) A law enforcement officer may arrest a
- 6 person when the officer has:
- 7 (1) a warrant commanding that the person be arrested;
- 8 (2) probable cause to believe the person has committed or
- 9 attempted to commit, or is committing or attempting to commit,
- 10 a felony;
- 11 (3) probable cause to believe the person has violated the provisions
- 12 of IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1),
- 13 IC 9-26-1-2(2), IC 9-26-1-3, IC 9-26-1-4, or IC 9-30-5;
- 14 (4) probable cause to believe the person is committing or
- 15 attempting to commit a misdemeanor in the officer's presence;
- 16 (5) probable cause to believe the person has committed a:
- 17 (A) battery resulting in bodily injury under IC 35-42-2-1; or
- 18 (B) domestic battery under IC 35-42-2-1.3.
- 19 The officer may use an affidavit executed by an individual alleged
- 20 to have direct knowledge of the incident alleging the elements of
- 21 the offense of battery to establish probable cause;
- 22 (6) probable cause to believe that the person violated
- 23 IC 35-46-1-15.1 (invasion of privacy);
- 24 (7) probable cause to believe that the person violated IC 35-47-2-1

(carrying a handgun without a license) or IC 35-47-2-22 (counterfeit handgun license);

(8) probable cause to believe that the person is violating or has violated an order issued under IC 35-50-7; ~~or~~

**(9) probable cause to believe that the person is violating or has violated IC 35-47-6-1.1 (undisclosed transport of a dangerous device); or**

~~(9)~~ **(10)** probable cause to believe that the person is:

(A) violating or has violated IC 35-45-2-5 (interference with the reporting of a crime); and

(B) interfering with or preventing the reporting of a crime involving domestic or family violence (as defined in IC 34-6-2-34.5).

(b) A person who:

(1) is employed full time as a federal enforcement officer;

(2) is empowered to effect an arrest with or without warrant for a violation of the United States Code; and

(3) is authorized to carry firearms in the performance of the person's duties;

may act as an officer for the arrest of offenders against the laws of this state where the person reasonably believes that a felony has been or is about to be committed or attempted in the person's presence."

Page 1, delete line 6.

Page 1, line 7, delete "(3)" and insert "**(2)**".

Page 1, line 8, delete "(4)" and insert "**(3)**".

Page 1, line 16, delete "D" and insert "**A misdemeanor**".

Page 1, delete line 17.

Re-number all SECTIONS consecutively.

(Reference is to ESB 34 as printed February 20, 2004.)

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Representative Dvorak